

REMARKS

Like the September 8, 2004 office action, the April 8, 2005 final office action allowed claims 8-12 and 14, while rejecting all other pending claims. In response, applicant canceled all non-allowed claims in order to obtain issuance of a patent on the allowed subject matter, while reserving the issue of patentability of the rejected claims for a continuing application.

The November 15, 2005 office action in effect withdrew the allowance of claims 8-12. They now stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 4,888,798 to Earnest and U.S. Patent No. 5,819,263 to Bromley et al. ("Bromley"). It is respectfully submitted that the rejection of claims 8-12 was improper as well as belated.

Bromley issued on an application filed on July 19, 1996 with no priority claim. The present application claims priority of a series of applications, the earliest of which is Application No. 08/543,161 that was filed on October 13, 1995 and issued as Patent No. 5,765,152. The "Related Application Data" at page 1, lines 3-8 of the present application states that the specification was copied from that of the '152 patent. The examiner has not asserted that the claimed subject matter for which Bromley was cited is not disclosed in the priority application filed on October 13, 1995; if that were the issue, a 35 U.S.C. § 112 rejection might have been expected. No basis appears in the record for the assertion of Bromley as *prior art*.

This is not the first time that the October 13, 1995 priority date has been pointed out in response to allegedly prior art asserted against this application. Applicant's December 8, 2004 response to the September 8, 2004 office action questioned the status, as *prior art*, of two references that were relied on as grounds for rejection. In the subsequent April 8, 2005 office action, the examiner did not question the priority claim; the challenged references were dropped, and other grounds for rejection were asserted.

It is unclear why twice-allowed claims were rejected after applicant divided the application to obtain issuance of a patent on those allowed claims. Whatever the reason was, it certainly was not the discovery of newly available prior art, because the Bromley reference issued many years before the present application was filed. Applicant respectfully requests that any subsequent rejections either rely solely on references having an effective date that is earlier than October 13, 1995, or include an explanation of why the rejected claim is not entitled to a priority date of October 13, 1995.

Even if Bromley were prior art, it does not appear that the cited portion would support the rejection of claims 8-12. Column 11, lines 5-25 appears to relate to user authentication, not usage rights associated with a content object, and does not discuss drag-and-drop as a non-permitted usage right.

Reconsideration and further examination are requested, and a notica of allowance is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SRP', is written over a horizontal line.

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